

ORDINANCE NO. 511

AN ORDINANCE OF THE CITY OF HEYBURN, MINIDOKA COUNTY, IDAHO, ANNEXING CERTAIN REAL PROPERTY OWNED BY BLINCOE FARMS, INC. AND TERRY W. SANFORD AND BRENDA L. SANFORD, ADJACENT TO THE CITY WHICH SHOULD HAVE BEEN INCLUDED IN THE DESCRIPTION OF THE LAND ANNEXED IN ORDINANCE NO. 507, AND LOCATED IN MINIDOKA COUNTY; AND, FINDING SUCH TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN AND DESIGNATING THE ZONING FOR SUCH LAND AS "CG" (COMMERCIAL GENERAL) AND, PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City finds that the land described below, (the "Subject Property"), is contiguous to the City as set forth on the area map attached as Exhibit "A"; and,

WHEREAS, the said Subject Property may likely be developed for commercial uses in the future; and,

WHEREAS, the City has determined and hereby finds that it either has adequate current facilities and resources to provide City utility services to the Subject Property or that it will obtain or develop such in the future as it is able to do so; and,

WHEREAS, the City hereby determines and declares that it is in the best interests of not only the property owners of the Subject Property, but also the City as a whole for such land to be annexed into the City and that such annexation is consistent with the City's current version of the City's Comprehensive Plan and that such annexation is reasonable given all factors; and,

WHEREAS, the owners ("petitioners") of such Subject Property, Blincoe Farms, Inc. and Terry W. Sanford and Brenda L. Sanford, have requested annexation and the City can proceed with the annexation as a "Category A" type of annexation as set forth in Idaho Code Section 50-222 (3) and (5)(a); and,

WHEREAS, the City has determined that the most appropriate zoning district designations for the said Subject Property would be "CG" (Commercial General); and,

WHEREAS, pursuant to the laws of the State of Idaho and the ordinances of the City, public hearings were held pursuant to public notice as follows: before the Heyburn Planning and Zoning Commission on August 11, 2008 at 7:00 P.M. and reported its recommendations to the City Council at its August 13 13, 2008 regular meeting; and before the Heyburn City Council on August 13, 2008 at 7:00 P.M.; and both bodies did invite and take public comment and received documents which were all

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admitted to the official record of the proceedings and were also duly reviewed; and,

WHEREAS, the Planning and Zoning Commission, after due deliberation, recommended to the Council that such petition for annexation be granted and the Subject Property be zoned as CG ("Commercial General"); and the City Council after due deliberation, agreed that such petition should be granted and finds that such zoning designation is in the best interests of the City, its growth, economic development and is consistent with the City's Comprehensive Plan; and,

WHEREAS, the City did adopt Ordinance 507 which annexed other land of the same said petitioners and it was the intention of the City and the petitioners that land described here be annexed at that time but through inadvertence was omitted;

FURTHER, consistent with the foregoing, the City makes the following findings and conclusions:

1. The Subject Property is contiguous to the City of Heyburn.
2. The City has domestic water and sewer facilities adjacent to the Subject Property.
3. The property owners of the Subject Property have requested to be annexed into the City and have petitioned the City to be annexed.
4. The southern border of the Subject Property is near or contiguous to the Interstate 84, and therefore such the Subject Property has great potential for commercial development and is less suitable or desirable for residential development. The eastern border of the Subject Property is close to Highway 27, Interstate 84 ("I-84") and also Exit 208 of I-84.
5. The proximity of the Subject Property to Highway 27 and to Exit 208 of I-84 makes commercial development of the property not only feasible, but likely of prime interest. The location of the Subject Property allows for relatively easy access for trucks and other commercial vehicles to travel to it from I-84 and return to I-84, creating less traffic problems within the other portions of the City.
6. The Subject Property can be served now or in the future by all of the City's municipal utility services. The current uses of the Subject Property do not require City water or sewer be installed at the present time nor have the owners of the Subject Property requested such.
7. The City has adequate means to provide law enforcement as needed in the subject property.

- provides:
8. The City's current Comprehensive Plan ("Plan") encourages or provides:
 - A. That the City's economy should be enhanced with further commercial development. The Plan noted the positive economic effects of the J.R. Simplot Company potato processing plant on the City, which plant was closed subsequent to the adoption of the Plan. The business and jobs lost as a result of that plant closing have not been fully replaced by new businesses which have opened in the area since such closure.
 - B. Development should be consistent with the characteristics of the land. While currently the Subject Property is being used as farm land, the Subject Property's characteristics are consistent commercial use, due to its close access to both Highway 27 and I-84. The commercial growth next to and along Highway 27 and next to and along the frontage of I-84 appears to be very likely.
 - C. The survey conducted pursuant to the creation of the current Comprehensive Plan indicated a need for more and further economic development in the City, especially along the "Interstate corridor". The Plan notes that not only would such development stimulate the economic growth of the City, but also the growth would increase the City's tax base. Also, such economic growth will stimulate residential growth in the City.
 - D. Commercial growth of the City should occur in areas of the City apart from residential uses, and ideally should not mix with existing or future areas of residential growth. Annexation and zoning of the Subject Property will provide means to discourage such undesirable mix of uses and allow the City to plan for more orderly growth.
 - E. The Plan expressly encourages commercial development in the area of Exit 208 of I-84, the exit closest to the Subject Property.
 - F. The City, situated in the middle of the Mini-Cassia area (Minidoka and Cassia Counties) makes it the "hub" of the area and accordingly development of the City, both residential and commercial, is inevitable and being planned for by the City.
 9. Commercial use of the Subject Property will increase the tax base of the City and provide for the means to partially or in whole fund projects within the area annexed and possibly other services for the City at large.

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10. The current use of the Subject Property is agricultural. The petitioners have requested that the land be zoned commercial or light industrial. The City finds that CG ("Commercial General") is most appropriate at this time. If the land were zoned as agricultural, the City would have less ability to control and plan for eventual commercial development of the Subject Property and the land in that area and therefore the City's planning needs are better served by zoning the land as CG ("Commercial General") at this time.

11. Annexation of the Subject Property at this time is in the best interests of the City so that the City can continue to plan and make further arrangements to provide municipal utilities and develop appropriate roads and other infrastructure to the Subject Property in order for it to be developed as a commercial area.

12. The annexation of the Subject Property will allow for orderly growth and economic development of the City and is in the best interests of the City and its citizens.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Heyburn as follows:

Section 1: The following described land (the Subject Property) is hereby declared to be annexed to and incorporated into the City of Heyburn as a part of said City; and, the city limits of the City of Heyburn being enlarged to encompass such land within its borders:

Parcel 1: Government Lots 1 & 2 in Section 7, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho.

Parcel 2: All that portion of Interstate Highway 84 that lies within Government lots 2 and 3, the S2N2 and the N2S2 of Section 7, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho.

Parcel 3: All that portion of Interstate Highway 84 that lies within the S2NW4 and the N2SW4 of Section 8, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho.

Section 2: The said Subject Property should be and hereby is zoned as follows: "CG" (Commercial General). Such designation as to such land shall be deemed an amendment to the City's Official Zoning Map.

Section 3: This ordinance shall be in full force and effect from and after its three readings, passage, approval and publication.

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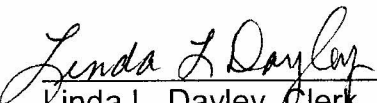
PASSED this 27th day of August, 2008 by the City Council of the City of Heyburn.

APPROVED this 27th day of August, 2008, by the Mayor of the City of Heyburn.

THE CITY OF HEYBURN


By: George A. Anderson, Mayor

Attest:


Linda L. Dayley, Clerk


Instrument # 498620

MINIDOKA COUNTY, RUPERT, IDAHO

9-10-2008 11:27:46 No. of Pages: 7

Recorded for : CITY OF HEYBURN

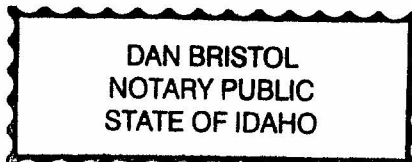
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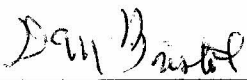
Ex-Officio Recorder Deputy 

STATE OF IDAHO)
County of Minidoka) ss.

On this ^{day 8th} ~~27~~ day of ^{September} ~~August~~, 2008, before me the undersigned, a Notary Public in and for said state, personally appeared George A. Anderson, known to me to be the Mayor of the City Heyburn, Idaho and Linda L. Dayley, the Clerk of said City and the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed and attested the same on behalf of and as authorized by said city as its authorized representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL) 
DAN BRISTOL
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for Idaho
Residing at Heyburn, Idaho
Commission Expires: Oct. 13, 2013

ORDINANCE NO. 511, Page 5

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EXHIBIT "A"
(Area Map)

ORDINANCE NO. 511, Page 6

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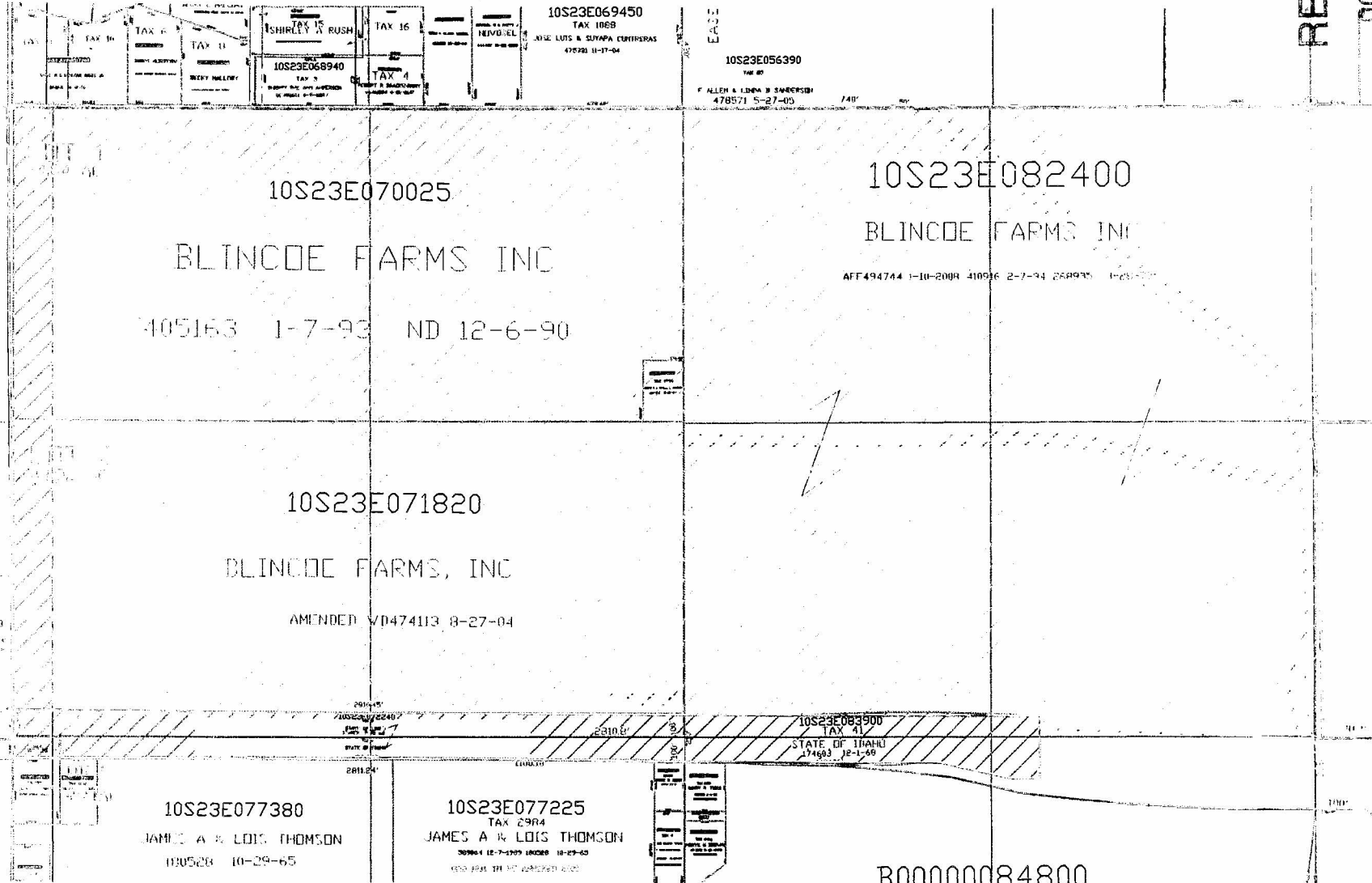
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MINIDOKA COUNTY
ORDINANCE NO. 511

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WHEREAS, the said Subject Property may likely be developed for commercial uses in the future; and,

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WHEREAS, the Planning and Zoning Commission, after due deliberation, recommended to the Council that such petition for annexation be granted and the Subject Property be zoned as CG ("Commercial General"); and the City Council after due deliberation, agreed that such petition should be granted and finds that such zoning designation is in the best interests of the City, its growth, economic development and is consistent with the City's Comprehensive Plan; and,

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Section 2: The said Subject Property should be and hereby is zoned as follows: "CG" (Commercial General). Such designation as to such land shall be deemed an amendment to the City's Official Zoning Map.

Section 3: The City Council having by authorizing motion and vote waived the rule of requiring three separate readings of this Ordinance, by title and in full, therefore this ordinance shall be in full force and effect from and after its first and only reading, passage, approval and publication.

PASSED this 27th day of August, 2008 by the City Council of the City of Heyburn.

APPROVED this 27th day of August, 2008, by the Mayor of the City of Heyburn.

THE CITY OF HEYBURN

By: George A. Anderson, Mayor

Attest:

Linda L. Dayley, Clerk

PUBLISH: September 30, 2008

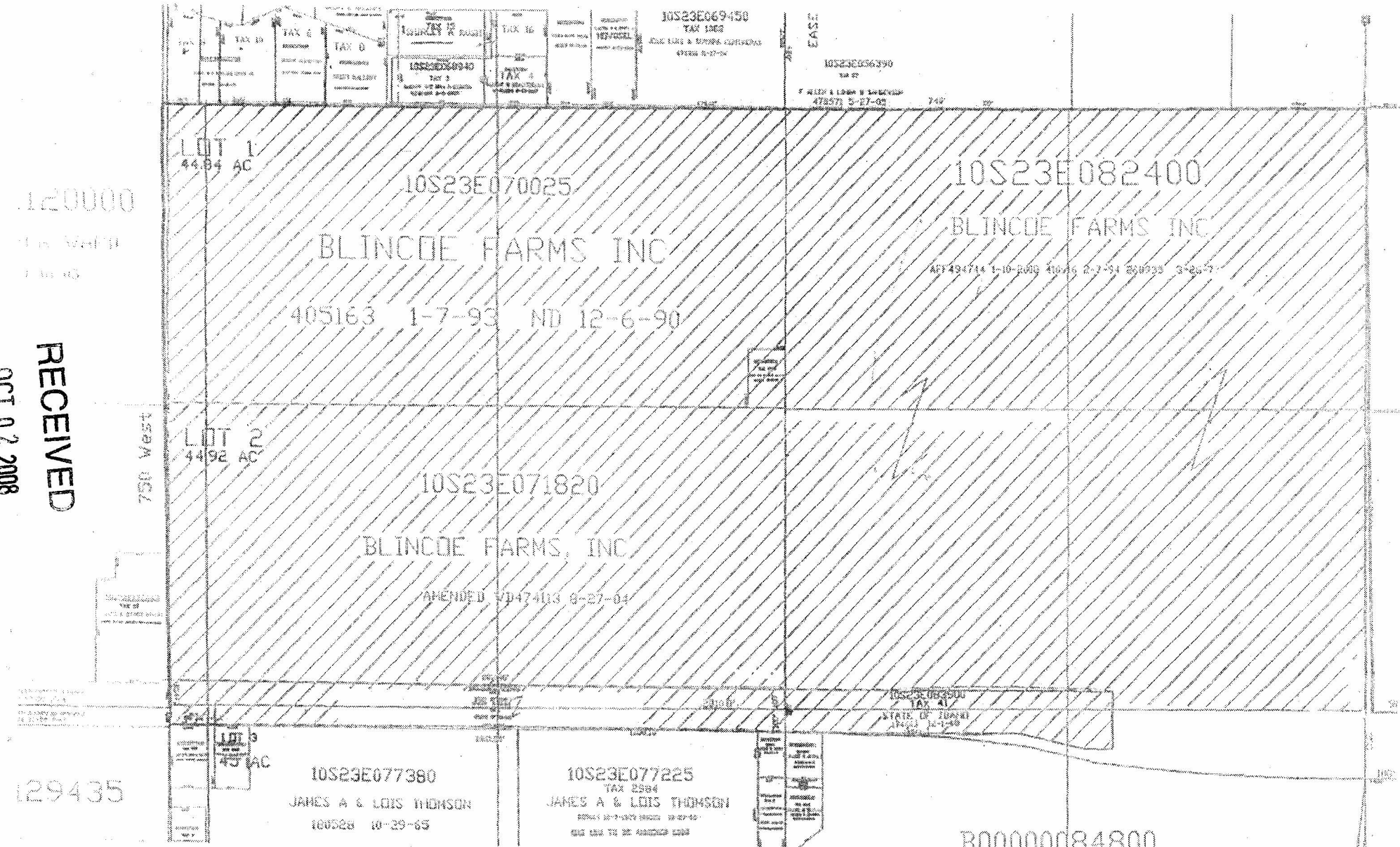
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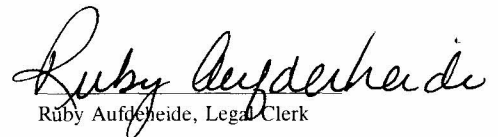


Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for one ~~consecutive~~ publication, commencing with the issue dated 30th day of September, 2008 and ending with the issue dated 30th day of September, 2008


And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.


Ruby Aufderheide, Legal Clerk

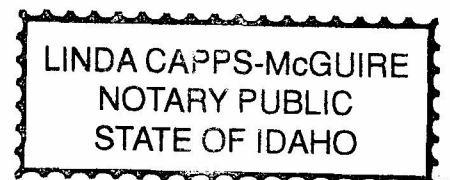
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 30th day of September, 2008, before me,

a Notary Public, personally appeared Ruby Aufdeheide, 
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commision expires: 5-19-09



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